be only one member or more, and the property of the corporation remains security for the corporation's debts and not for the individual's debts. It is manifest, therefore, that to convey the corporate property in satisfaction of the debts of an owner of stock, whether he be owner of a part or of all, is to prejudice the rights of the corporation's creditors, and such a conveyance will be set aside in equity. *Hall* v. *Goodnight,* 138 Mo. 576, 37 S. W. 916; *Singer Piano Co.* v. *Barnard Walker & Co.,* 113 Ia. 664, 83 N. W. 725; *Wheeler* v. *Home Sav. Bank,* 188 Ill. 34, 58 N. E. 598, 80 Am. St. Rep. 161; *Washington Mills Co.* v. *Sprague Lumber Co.,* 19 Wash. 165, 52 Pac. 1067; *Stewart* v. *Gould,* 8 Wash. 367, 36 Pac. 277.

CRIMINAL LAW—ASSAULT WITH INTENT TO MURDER.—The defendant was indicted for assault with intent to murder. The indictment alleged that the defendant maliciously put broken glass into food with the intent that the food should be eaten by another, and that death should result. The defendant demurred to the indictment on the ground that the facts stated therein were not sufficient to constitute the offence charged. The lower court overruled the demurrer, and the defendant sued out a writ of error. *Held*: the demurrer was well taken. No assault was alleged in the indictment, for it did not state that the glass was administered. *Leary* v. *State,* (Ga. 1913) 79 S. E. 584.

If assault be defined as the putting of another in reasonable fear of immediate personal violence, there is difficulty in making out an assault with poison, unless some of the poison be taken by the prosecutor. The idea of an outward demonstration of violence as an element of assault is prevalent in many jurisdictions. *Morton* v. *Shoppee,* 3 C. & P. 373; *U. S.* v. *Myers,* 1 Cranch (C. C.) 310; *Engelhardt* v. *State,* 88 Ala. 100; *Yoes* v. *State,* 9 Ark. 42; *People* v. *Ryan,* 55 Hun. 214; *Barnes* v. *Martin,* 15 Wis. 240. This accounts for the holding that there is no assault in poisoning cases unless the poison is administered. *La Beau* v. *People,* 34 N. Y. 323; *Blackburn* v. *State* 23 Oh. St. 146; *Rex* v. *Hartley,* 4 C. & P. 369; *Sumpter* v. *State,* 11 Fla. 247. But the Georgia Criminal Code of 1911, § 97 following in substance the common statutory definition, defines assault, not as a putting in fear, but as "an attempt to commit violent injury on the person of another." There is no substantial difference between an attempt to murder and an assault with intent to murder. *Groves* v. *State,* 116 Ga. 516. The question then is whether the facts of the case make up a criminal attempt "to commit a violent injury on the person of another." The Georgia Code defines "attempts" in terms which are declaratory of the common law. *Groves* v. *State,* 116 Ga. 516. Administering poison is committing a violent injury. *Com.* v. *Stratton,* 114 Mass. 303; *Johnson* v. *State,* 92 Ga. 36. An attempt to administer poison is therefore an attempt to commit a violent injury, and should be regarded as an assault under the Georgia Code. But what is an attempt to administer poison? Here we meet the difficult problem concerning the extent to which one's acts in the execution of a criminal design must go in order to pass from mere preparation into criminal attempt. Buying poison is clearly not enough. *Hicks* v. *Com.* 86 Va. 223. The mere mixing of poison with food intended to be taken by another, without, at least, placing it where it would naturally be

taken and eaten, is not enough. As the indictment in the present case alleges no more, the decision is satisfactory. But the position of the court that, "in cases of this character there can be no assault unless the poison is administered to the victim, and there can be no administration of it unless the victim partakes of the substance containing the poison," seems unwarranted under the code definition of assault. Smearing poison on the side of the cross bar of a "moustache cup" with the intent that the owner should swallow it, and consequently die, was held to be an attempt to murder in *Com.* v. *Kennedy,* 170 Mass. 18. Justice HOLMES said, "Every question of proximity must be determined by its own circumstances, and analogy is too imperfect to give much help. Any unlawful application of poison is an evil which threatens death, and would warrant holding the liability for an attempt to begin at a point more remote from the possibility of accomplishing what is expected than might be the case with lighter crimes." Whether we agree with these generalizations or not, we can hardly dispute Justice HOLMES' statement that, "Usually acts which are expected to bring about the end without further interference on the part of the criminal are near enough, unless the expectation is very absurd." The present case is, however, supported, as a matter of authority, by the case of *Peebles* v. *State,* 101 Ga. 585, which held that the act of putting poison into a well, with the intent that another should drink the water and be killed thereby, did not, without more, constitute the offence of assault with intent to murder, since the person for whom it was intended did not partake of it. It is interesting to note that the cases holding that an assault with poison cannot be committed without administration make it impossible to commit an assault by poison without involving a battery, the converse of the common doctrine that every battery includes an assault.

CRIMINAL LAW—BURGLARIOUS BREAKING.—The defendant found the door of a freight car open about an inch. He pushed the door open, entered, and took from the car certain articles. The only question in the case was whether this was a sufficient breaking to constitute burglary. *Held*: it was a sufficient breaking, on the theory that a breaking is the removal of an obstruction which, if left where found, would prevent an entrance. *State* v. *LaPoint,* (Vt. 1913) 88 Atl. 523.

The Vermont Criminal Code extends the common law burglary to include railway cars, but does not change the common law definition of breaking. The orthodox common law doctrine upon the problem here presented makes the question turn on the existence or non-existence of an implied invitation to enter. Under that doctrine the leaving of a door or window open, though not so far as to admit the body, has usually been held to constitute an invitation to enter so that opening the door or window further would not amount to a breaking. Authorities are gathered in notes in 2 Am. St. Rep. 383 and 139 Am. St. Rep. 1047. An actual invitation of course negatives criminality, and an invitation need not be expressed in words but may be implied from conduct, but the cases referred to would seem to involve an implication of an invitation where none in fact exists or is in common sense to be inferred.